

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MARCEL DEJOHN TATE

PLAINTIFF

V.

No. 4:18CV00840-BRW-JTR

DOC HOLLADAY, Sheriff, *et al.*

DEFENDANTS

ORDER

I have reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray. No objections were filed. After careful review, I approve and adopt the Recommendation.

Plaintiff may proceed with his inadequate medical care claims against McJunkis and Faughn, in their individual capacities. The Clerk is directed to prepare a summons for McJunkis and Faughn at the Pulaski County Regional Detention Facility. The United States Marshal is directed to serve the Complaint and Amended Complaint,<sup>4</sup> and this Order, on them without prepayment of fees and costs or security therefor.<sup>5</sup>

Tate's official-capacity claims against McJunkis and Faughn are dismissed without prejudice. Holladay and Sylvester are dismissed without prejudice as defendants in this action. The Pulaski County Regional Detention Facility is dismissed with prejudice as a defendant in this action. I certify that an *in forma pauperis* appeal of these rulings would not be taken in good faith.<sup>6</sup>

IT IS SO ORDERED this 25th day of April, 2019.

Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup>Doc. Nos. 2 & 5.

<sup>5</sup>If either of these defendants is no longer a Pulaski County employee, the individual responding to service must file a **sealed** statement providing the unserved defendant's last known private mailing address.

<sup>6</sup>28 U.S.C. § 1915(a)(3).